

The article was alleged to be adulterated in that it consisted in part of decomposed and putrid animal substance.

On June 4, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$125.

W. R. GREGG, *Acting Secretary of Agriculture.*

25924. Adulteration and misbranding of macaroni and spaghetti. U. S. v. Western Macaroni Manufacturing Co., a corporation. Plea of guilty. Fine, \$33. (F. & D. no. 36995. Sample nos. 35817-B, 35818-B, 35819-B.)

This case involved shipments of a product made of wheat flour and added yellow artificial color, naphthol yellow S, that had been substituted for high-grade semolina and that concealed inferiority.

On April 11, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Macaroni Manufacturing Co., a corporation, Salt Lake City, Utah, alleging that on or about April 10, 1935, the defendant had shipped in various shipments from the State of Utah into the State of Colorado a number of boxes of macaroni and spaghetti, and that the articles were adulterated and misbranded in violation of the Food and Drugs Act. The article was variously labeled in part: "Diamond Brand 'A' Macaroni Prepared For Diamond 'A' Market-Iacino Brothers Proprietors, Denver, Colo. Spaghetti Made of 100% High Grade Semolina"; "Diamond Brand 'A' Macaroni Prepared for Diamond 'A' Market Iacino Brothers Proprietors, Denver, Colo. Mustacioli Queen's Taste Insuperabile Made of 100% High Grade Semolina"; "Made of 100% High Grade Semolina Ditalini Diamond Brand 'A' Macaroni Prepared For Diamond 'A' Market Iacino Brothers Proprietors, Denver, Colo."

The articles were alleged to be adulterated in that a substance, to wit, a product made of wheat flour and added yellow artificial coloring, naphthol yellow S, had been substituted for an article made of 100 percent high-grade semolina which said article purported to be; and in that said article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to portions of the products for the reason that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser, "Macaroni * * * Spaghetti Made of 100% High Grade Semolina", "Macaroni * * * Mustacioli * * * Made Of 100% High Grade Semolina", and "Made of 100% High Grade Semolina Ditalini * * * Macaroni"; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages in that the packages bore no statement as to the quantity of the contents therein.

On May 16, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$33.

W. R. GREGG, *Acting Secretary of Agriculture.*

25925. Adulteration of tomato catsup. U. S. v. The Red Wing Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 36996. Sample no. 35195-B, 43465-B.)

This case involved interstate shipment of tomato catsup that consisted in part of a decomposed vegetable substance.

On April 6, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Red Wing Co., Inc., Fredonia, N. Y., alleging that on or about June 29, 1935, the defendant had shipped from the State of New York into the State of Ohio a number of bottles of tomato catsup, and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Dot 'Dot's Good' * * * Tomato Catsup, Distributed by The Janszen Company, Cincinnati, Ohio."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On July 13, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

25926. Adulteration of cabbage and cauliflower. U. S. v. Sterling H. Nelson Co., a corporation. Plea of guilty. Fine, \$26. (F. & D. no. 36999. Sample nos. 15978-B, 39667-B.)

This case involved shipments of cabbage and cauliflower that contained arsenic and lead in amounts that might have rendered the articles injurious to health.